IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.MC.No. 4068 of 2006()

CRMP NO.1292/06 IN CRRP.31/2006 of SESSIONS COURT, WAYANAD,KALPETTA

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PETITIONER:

OUPADAN GEORGE, S/O.POULOSE,
AGED 46, OUPPADAN HOUSE,
VYTHIRI P.O., KUNNATHIDAVAKA AMSOM,
VYTHIRI TALUK, WAYANAD.

BY ADV. SRI.J.DEVADANAM
SRI.VINOD J.DEV
SRI.PRAMOD J.DEV

RESPONDENTS:

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1. STATE OF KERALA REP. BY S.I.OF POLICE,
VYTHIRI, WAYANAD THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. VYTHIRI GRAMA PANCHAYAT (SPECIAL GRADE)
VYTHIRI AMSOM, VYTHIRI TALUK,
REP.BY ITS SECRETARY.

3. KARUNAKARAN @ PHILIP, AGED 39 YEARS,
S/O.RAMMAYA,
INTERNATIONAL EBENEZER CHARITABLE SOCIETY,
VYTHIRI.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4068 of 2006

Dated this the 19th day of December 2006

O R D E R

The petitioner faces allegations of theft under Section 379 I.P.C. According to the defacto complainant, the petitioner had committed theft of his cattle. F.I.R was registered. It was realised that the cattle were available in the pound run by the Panchayat. The petitioner had admittedly handed over the cattle to the pound. It would appear that the petitioner has an allegation that the cattle had trespassed into his property. Be that as it may, in the course of investigation, the cattle were seized by the police from the pound. The defacto complainant approached the learned Magistrate for return of the cattle to him. The learned Magistrate, by the impugned order which is produced as Annexure A1, directed that the cattle be released to the defacto complainant subject to certain conditions. There is an observation in that order that the Panchayat is at liberty to initiate action against the person who had produced the cattle at the pound to realise the pound charges. Thereafter, the Panchayat issued notice to the petitioner to pay the pound

charges amounting to Rs.5,480/-. The petitioner at that stage, approached the learned Sessions Judge with a revision petition. In an interim application filed in the said revision petition, the learned Sessions Judge directed the petitioner to deposit half the amount of pound charges before the Panchayat. A stay was granted against the recovery of the remaining half.

2. The petitioner submits that the direction to him to pay half the pound charges is not justified. The interim direction deserves to be interfered with, it is prayed.

3. Having heard the learned counsel for the petitioner, I am satisfied that a direction can be issued to the learned Sessions Judge to dispose of the revision petition as expeditiously as possible - at any rate within a period of thirty days from this date. I do not think it necessary to interfere with the order directing the deposit of 50%. If that deposit is not made, the only consequence is that steps for recovery will be initiated by the Panchayat. Whatever remedy the petitioner has under law against such attempted recovery by the Panchayat, will certainly be available to him notwithstanding his failure to comply with the interim order passed by the learned Sessions Judge.

4. This Criminal Miscellaneous Case is in these circumstances allowed in part. The learned Sessions Judge shall dispose of the revision petition as expeditiously as possible - at any rate, within a period of two weeks from the date on which a copy of this order is placed before the learned Sessions Judge.

5. Hand over a copy of this order to the learned counsel for the petitioner for production before the learned Sessions Judge.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006